

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

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JAPON

Date of mailing (day/month/year) 04 May 2006 (04.05.2006)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference S07F1415	
International application No. PCT/JP2004/008349	International filing date (day/month/year) 15 June 2004 (15.06.2004)
Applicant SUNTORY LIMITED et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S07F1415	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2004/008349	International filing date (<i>day/month/year</i>) 15 June 2004 (15.06.2004)	Priority date (<i>day/month/year</i>) 16 June 2003 (16.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SUNTORY LIMITED		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 24 April 2006 (24.04.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Yoshiko Kuwahara</div> Telephone No. +41 22 338 90 90
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

S07F1415

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/008349

International filing date (day/month/year)

15.06.2004

Priority date (day/month/year)

16.06.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

SUNTORY LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/008349

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/008349

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP, 2002-125593, A (Ito En, Ltd.), 08 May, 2002 (08.05.02),
 Document 2: JP, 11-276074, A (Freund Industrial Co., Ltd.), 12 October 1999 (12.10.99)
 Document 3: JP, 5-68479 A, (Hidekatsu KAWAMOTO), 23 March 1993 (23.03.93)
 Document 4: JP, 9-121770, A (Freund Industrial Co., Ltd.), 13 May 1999 (12.05.99)
 Document 5: JP, 5-344843, A (Keiichi ISOTANI), 27 December 1993 (27.12.93)
 Document 6: 2001-45971, A (KAIKEN Ltd.), 20 February 2001 (20.02.01)

The subject matters of claims 1 to 13 do not appear to have an inventive step in view of documents 1 to 6 cited above.

(Concerning claims 1 to 5, 7 to 12)

The first cited reference describes an invention which relates to a method for producing finely powdered and classified tea including a step for powdering a tea raw material and a step for classifying finely powdered tea obtained by the above step. The above invention also relates to a finely powdered tea produced by the production method and a food containing the finely powdered and classified tea. The above document notes that powdered tea having desired particle size area with uniform and fine particle diameter is obtained by the above-mentioned classifying step, the average particle diameter of the powdered tea being in the range of 0.1 to 8 μm . It is further mentioned in the document that when unclassified powdered tea is added to beverage, there are disadvantages, among others, that particles of larger diameter precipitate, thus necessitating stirring at drinking, and that the beverage shows poor external appearance. Accordingly, there is an increasingly large demand for finer powdered tea in the field of processing, it is stated.

The second cited reference describes a method for producing a fine powdery green tea beverage including a step to remove larger particle ingredients of finely powdered tea by centrifugal machine and fine powdery green tea beverage produced by the method, stating that average particle diameter after removing larger particles is 1 μm or less. According to the document, particles ingredients larger than specific average diameter are removed with centrifugal processing under appropriate condition to reduce the average particle diameter of the remaining particles without causing nonuniform turbidity and dregs in the beverage liquid. As for the method of producing fine powdery green tea, it is stated that ordinary green tea is subjected to pre-powdering followed by wet powdering with nanomizer so as to provide a fine powder green tea.

Though it is not mentioned in the first and the second cited documents that "most of particles having 1 μm or more diameter are removed," in removing larger size particles. However, both the claimed invention and those of the above documents 1 and 2 share a common way of doing in that finely powdered particles in a limited range of diameter are obtained, and it is found that the question as to how large particles are to be removed would be solved as required. Likewise, documents 3 to 6

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/008349

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

suggest that finely powdering be carried out to the extent mentioned in the invention of the present application. Consequently, it can not be found that it would have been difficult for a person skilled in the art to "remove most of the particles having 1 μm or more diameter " on the basis of the common general knowledge in the field at the time of filing.

(Concerning claim 6)

Since it is well known technology to carry out fine powdering by use of homogenizer, as suggested, for instance, in the above-mentioned document 4, it can be found that a person skilled in the art could have easily conceived employing this technology .

(Concerning claim 13)

While none of documents 1-6 notes specific values of turbidity of green tea beverage, the invention described in document 1 is intended to provide a product whose external appearance is good even when it is put in a transparent or translucent vessel. Likewise, the invention disclosed in document 2 aims at providing a green tea beverage which does not generate nonuniform turbidity and dregs , and therefore it can be found that it would be possible to keep the turbidity within a desired range as required.